Exemption.

8. Subject to the control of the Governor of Bombay in Council, the Resident may declare that all or any of the provisions of this Regulation shall not apply in the case of any vessel or class of vessels and may from time to time alter or vary any such declaration.

REGULATION II OF 1908 FOR PROTECTING THE PERIM PEARL FISHERY.

Govt. of India, Legislative dept., Notn. No. 13, dated 24th September 1908, republished in Govt. Notn., No. 6373, dated 30th September 1908, B. G. G., 1908, Pt. I, p. 1580.

Whereas by a Resolution passed by the Secretary of State for India in Council on the 10th day of September 1884, the provisions of Section 1 of the Government of India Act, 1870 (33 Vict., C. 3), were declared applicable to the Island of Perim;

And whereas by a Resolution passed by the said Secretary of State for India in Council on the 9th day of November 1886, the provisions of the said section were declared applicable to the Settlement of Aden and its dependencies for the time being, inclusive of the villages of Shaikh Othman, Imad and Hiswa, the Island of Perim and Little Aden;

And whereas the places to which the provisions of the said section were declared applicable by the said Resolutions were and are part of the territories under the administration of the Governor of Bombay in Council;

And whereas the said Governor of Bombay in Council has proposed to the Governor General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor General in Council has taken the draft and reasons into consideration, and has approved of the draft and the same has received the assent of the Governor General on the 16th day of September 1908;

In pursuance of the direction contained in the said section, the said Regulation is now published in the *Gazette of India* and in the *Bombay Government Gazette*.

REGULATION No. II OF 1908.

A Regulation for Protecting the Perim Pearl Fishery.

Whereas the right to fish for pearl and pearl shell in the territorial waters of the Island of Perim belongs exclusively to Government; and whereas it is expedient to provide for the protection of this right by prohibiting fishing by the public save under license; It is hereby enacted as follows:—

Short title.

1. This Regulation may be called the Perim Pearl Fishery Regulation, 1908.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "Resident" means the Political Resident at Aden; and

(2) "pearl oyster" includes the brood and spawn of pearl oysters, but does not include ordinary edible oysters.

Prohibition of fishing for pearl without license.

3. No person shall fish for pearl or pearl shell in the territorial waters of Perim except under a license granted by the Resident and to the extent and in the manner prescribed thereby.

Power of Resident to make rules.

4. (1) The Resident, with the previous sanction of the Local Government, may make rules to carry out the purposes and objects of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may

(*a*) prescribe the form of licenses, the period and limits within which and the conditions subject to which, licenses may be granted, and the fees to be paid by licensees;

(*b*) regulate the management and inspection of the fishery and prescribe the seasons of fishing and the size of shell which may be taken; and

(*c*) prescribe the accounts to be kept and the returns to be submitted by licensees, the particulars to be entered therein, and the manner in which they should be verified.

(3) All rules made under this section shall be published in the local official Gazette, and on such publication shall have effect as if enacted in this Regulation.

Certain acts prohibited.—

5. No person other than a licensee, and his agents, servants and workmen, acting within the limits, if any, prescribed in his license, shall do, within the territorial waters of Perim, any of the following things, namely:—

(1) use any implement of fishing, except a line and hook or a net, adapted solely for catching floating fish and so used as not to disturb or injure in any manner any pearl oyster bed or pearl oysters or the pearl fishery; or

(2) dredge for ballast or any other substance, whether of the like description or not, except under a lawful authority for improving the navigation; or

(3) place any implement, apparatus or thing prejudicial or likely to be prejudicial to any pearl oyster bed or pearl oysters or to the pearl fishery, except for a lawful purpose of navigation or anchorage; or,

(4) except as last aforesaid, disturb or injure in any manner any pearl oyster bed or pearl oysters or the pearl fishery.

Penalties.

6. (1) Whoever does any act in contravention of section 5 shall be punishable—

(*a*) for the first offence with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both; and

(*b*) for the second and every subsequent offence with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

(2) Whoever wilfully does any act in contravention of any rule made under section 4 or any condition of a license granted under section 3 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

Procedure.

7. Any offence under this Regulation committed in the territorial waters of Perim may be tried, punished and in all respects dealt with as if it had been committed on the land abutting on the sea coast of the Island of Perim.

Liability of master of ship for offences committed on board.

8. Where any offence under this Regulation has been committed by some person conveyed in a ship or boat, the master or person for the time being in charge of such ship or boat shall be deemed to have committed such offence unless he proves that he used due diligence to enforce the observance of this Regulation and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practical means in his power to prosecute such offender (if alive) to conviction.

Forfeiture of pearls, etc., by order of convicting Court.

9. On the conviction of any person for an offence punishable under this Regulation, the convicting Court may, in addition to any other penalty prescribed for such offence, order the forfeiture of all pearl and pearl oysters in respect of which such offender is convicted, and of the ship or boat in which such offender was conveyed, and her tackle, apparel and furniture, and any property on board thereof, and of any implement, apparatus or thing placed or used in contravention of the provisions of this Regulation.

Arrest without warrant.

10. Any Police officer, or other person especially empowered by the Resident in this behalf, may arrest without warrant any person committing in his view any offence punishable under this Regulation, or any person reasonably suspected of having been concerned in any such offence who refuses to give his name and residence, or gives a name and residence which there is reason to believe to be false.

RULE EMPOWERING THE GOVERNMENT OF BOMBAY TO APPOINT ANY SUBORDINATE JUDGE, BEING A MEMBER OF THE PROVINCIAL CIVIL SERVICE, TO BE ALSO AN ASSISTANT SESSIONS JUDGE.

Govt. of India, Home dept., Notn. No. 1713, dated 30th October 1896, republished in Govt. Notn. No. 7548, dated 3rd November 1896, B. G. G., 1896, Pt. I, p. 1119.

No. 2159, dated 2nd November 1892.
No. 67, dated 24th January 1895.
No. 1859, dated 8th November 1895.
No. 661, dated 26th March 1896.

In exercise of the power conferred by the Statute 33 Vict., Cap. 3, Section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present :